

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

JENELLE RENEE McCRAY,

Plaintiff,

vs.

TANNER SINGH,

Defendant.

CV 18-68-H-DLC-JTJ

ORDER

On February 21, 2020 United States Magistrate Judge John T. Johnston entered his Findings and Recommendation recommending that Plaintiff Jenelle Renee McCray's Complaint be dismissed without prejudice for failure to serve Defendant Tanner Singh within the 90-day time period provided by Rule 4 of the Federal Rules of Civil Procedure. (Doc. 7.) McCray did not object.

A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings to which no party objects. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Prior to Judge Johnston's Findings and Recommendation, McCray was given notice and additional time to serve Singh with process. (Doc. 5.) McCray did not do so. After Judge Johnston issued his Findings and Recommendation, McCray had 14 days to object to his recommendation that her Complaint he dismissed without prejudice. McCray has still not responded. Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston's Findings and Recommendation (Doc. 7) is ADOPTED in full.

1. This case is dismissed without prejudice for failure to serve the Defendant with process.
2. The Clerk of Court is directed to enter judgment accordingly.

DATED this 2nd day of April, 2020.



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Dana L. Christensen  
Dana L. Christensen, District Judge  
United States District Court